

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

) MDL No. 1456

) Civil Action No. 01-CV-12257 PBS

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

) Judge Patti B. Saris

) Chief Magistrate Judge Marianne B. Bowler

**PLAINTIFFS' OBJECTIONS TO DEFENDANTS BRISTOL-MYERS SQUIBB CO. AND
ONCOLOGY THERAPEUTICS NETWORK CORP.'S AMENDED PRETRIAL
DISCLOSURES**

Defendants Bristol-Myers Squibb Company ("BMS") and Oncology Therapeutics Network Corporation ("OTN") hereby make the following pretrial disclosures of their witness list and exhibits, pursuant to Fed. R. Civ. P. 26(a)(3)(A).

A. WITNESSES TO BE CALLED LIVE AT TRIAL (Not in Order of Appearance)

BMS and OTN reserve the right to call any witnesses identified by Plaintiffs who are beyond the subpoena power of the Court but whom Plaintiffs intend to bring to trial. Additionally, as Blue Cross Blue Shield of Massachusetts and other third-party payors are continuing to produce witnesses for deposition, BMS and OTN reserve their right to supplement this witness list with additional witnesses to appear both live and by designation.

Name and Address	Will Testify	May Testify
John F. Akscin Oncology Therapeutics Network Corp. c/o Hogan & Hartson L.L.P. 875 Third Avenue New York, NY 10022 Tel: (212) 918-3000	X	

Name and Address	Will Testify	May Testify
Gregory K. Bell, Ph.D. CRA International John Hancock Tower, 200 Clarendon Street, T-33 Boston, MA 02116-5092 Tel: (617) 425-3000	X	
Michael Carozza Bristol-Myers Squibb Company c/o Hogan & Hartson L.L.P. 875 Third Avenue New York, NY 10022 Tel: (212) 918-3000		X
Brian Garofalo Amgen Inc. Columbia Square 555 13 th Street, NW, #600W Washington, DC 20004 Tel: (202) 637-5700		X
Richard Hammerstone Bristol-Myers Squibb Company c/o Hogan & Hartson L.L.P. 875 Third Avenue New York, NY 10022 Tel: (212) 918-3000	X	
Denise M. Kaszuba Bristol-Myers Squibb Company c/o Hogan & Hartson L.L.P. 875 Third Avenue New York, NY 10022 Tel: (212) 918-3000	X	
Christof A. Marre 49 Waban Hill Road North Chestnut Hill, MA 02467 Tel: (617) 332-0280	X	
Frank Pasqualone Bristol-Myers Squibb Company c/o Hogan & Hartson L.L.P. 875 Third Avenue New York, NY 10022 Tel: (212) 918-3000	X	

Name and Address	Will Testify	May Testify
Marsha Peterson 570 Maria Lane Roseburg, Oregon 97470 Tel: (541) 679-1810	X	
David Rogers 825 Edgewood Road Yardley, PA 19067 Tel: (215) 321-4217	X	
Douglas Soule Bristol-Myers Squibb Company c/o Hogan & Hartson L.L.P. 875 Third Avenue New York, NY 10022 Tel: (212) 918-3000	X	
Zoltan Szabo Bristol-Myers Squibb Company c/o Hogan & Hartson L.L.P. 875 Third Avenue New York, NY 10022 Tel: (212) 918-3000	X	

B. WITNESSES TO BE OFFERED BY DEPOSITION¹

1. John F. Akscin
2. Raul Armand
3. Gena P. Cook
4. Dana Faulkner
5. Diane Ihling
6. Denise Kaszuba
7. Greg Keighley
8. Thomas Liptak
9. Christof A. Marre
10. Fran M. Morrison
11. Joseph Petrella

¹ The designated pages are referenced in a separate pleading.

12. Marsha Peterson
13. Douglas Soule
14. Zoltan Szabo

C. EXHIBITS

BMS and OTN reserve the right to introduce any exhibits or portions thereof identified by Plaintiffs. BMS and OTN further reserve the right to supplement their exhibit list in order to rebut any additional evidence or arguments offered by Plaintiffs at trial. In addition, as Blue Cross Blue Shield of Massachusetts continues to produce documents and witnesses, and a deposition of United remains outstanding, BMS and OTN reserve their right to supplement this exhibit list.²

Ex. No.	Prod. No./Source	Date	Description	Objections
2400	Bell BMS Report	04/14/2005	Bristol-Myers Squibb website history description	None
2401	Bell BMS Report	2004	Frank Stephenson, "A Tale of Taxol," Florida State University Office of Research	402 Irrelevant 802 Hearsay
2402	Bell BMS Report	01/25/2002	"Appellate Ruling May Force Ivax to Pull Generic Taxol," Washington Business Information, Inc., Vol. 19, No. 2	802 Hearsay
2403	Bell BMS Report	08/04/1989	"Bristol-Myers/Squibb deal—'a marriage made in heaven,' " Pharmaceutical Business News	802 Hearsay
2404	Bell BMS Report	09/09/1996	"B-MS's Etopophos Receives US FDA Approval," Pharma Marketletter	802 Hearsay
2405	Bell BMS Report	12/29/1992	"Bristol-Myers Squibb Announces Taxol Patient Access and Reimbursement Assistance Programs," PR Newswire	802 Hearsay 402 (partial) Irrelevant
2406	Bell BMS Report	02/10/2006	Bristol-Myers Squibb Co. (NYS: BMY), Mergentonline	402 Irrelevant 403 Waste of

² Trial exhibits 2523, 2524, 2626 and 2631 are admissible as summaries pursuant to Fed. R. Evid. 1006. The data and information underlying these exhibits have been produced to Plaintiff's counsel.

Ex. No.	Prod. No./Source	Date	Description	Objections
				time and needless presentation of cumulative evidence 802 Hearsay
2407	Bell BMS Report	10/16/1990	"Bristol-Myers Squibb Announces Legal Decisions," PR Newswire	402 Irrelevant 802 Hearsay
2408	Bell BMS Report	03/09/1989	"Bristol-Myers Announces FDA Approval of New Anti-Cancer Drug," PR Newswire	802 Hearsay
2409	Bell BMS Report	05/25/1990	"Bristol-Myers Squibb Gratified by Judge's Ruling," PR Newswire	402 Irrelevant 802 Hearsay
2410	Bell BMS Report	04/10/2000	"Bristol-Myers loses key provisions of Taxol patent in Ivax litigation," Drug Store News, No. 5, Vol. 22, Pg. 18	802 Hearsay
2411	Bell BMS Report	02/24/1993	"Bristol-Myers Squibb Responds to Congressional Hearings," PR Newswire	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2412	Bell BMS Report	01/18/1993	"B-M Squibb Sets US Taxol Price," Pharma Marketletter	402 Irrelevant 802 Hearsay
2413	Bell BMS Report	08/06/1996	"Bristol-Myers to Buy Partner's Stake in Joint Venture," New York Times	802 Hearsay
2414	Bell BMS Report	12/14/2004	"Bristol-Myers Squibb to Sell Oncology Therapeutics Network," OTN website	None
2415	Bell BMS Report		BMS Company Worldwide Net Sales From Continuing Operations by Product Quarterly Sales Trend Analysis	104; CR 26(a)(3) Not previously produced
2416	Bell BMS Report	04/1999	Blenoxane package insert	402 Irrelevant 403 Waste of time and needless

Ex. No.	Prod. No./Source	Date	Description	Objections
				presentation of cumulative evidence
2417	Bell BMS Report	07/29/1991	"Bristol-Myers Squibb Issues Statement on Taxol," PR Newswire	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2418	Bell BMS Report	04/1999	FDA Oncology Tools Product Label Details for bleomycin	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2419	Bell BMS Report		FDA Oncology Tools Approval Summary for bleomycin (for malignant pleural effusion)	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2420	Bell BMS Report		Blenoxane product information	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2421	Bell BMS Report		Cytosan Tablet Rx package insert	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence

Ex. No.	Prod. No./Source	Date	Description	Objections
2422	Bell BMS Report	07/02/2003	"U.S. Major Pharmaceuticals: Monthly Pricing Monitor, " CSFB Equity Research	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2423	Bell BMS Report		FDA Oncology Tools Product Label Details for cyclophosphamide	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2424	Bell BMS Report	12/03/1996	"Agreement with NCI for Extended Collaborative Research of Taxol," Doctor's Guide	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2425	Bell BMS Report	01/2000	Drug Facts and Comparisons	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 803 Hearsay
2426	Bell BMS Report		Adriamycin RDF, Label and Approval History, FDA website	None
2427	Bell BMS Report		Etoposide, Label and Approval History, FDA website	None
2428	Bell BMS Report		Cytosan, Label and Approval History, FDA website	None
2429	Bell BMS Report		Neosar, Label and Approval History, FDA website	None
2430	Bell BMS Report		Blenoxane, Label and Approval History, FDA website	None
2431	Bell BMS Report		Bleomycin Sulfate, Label and Approval History, FDA website	None
2432	Bell BMS		Neil Edwards, "Taxol," School of	402 Irrelevant

Ex. No.	Prod. No./Source	Date	Description	Objections
	Report		Chemistry University of Bristol	403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2433	Bell BMS Report		Cytosan, Label and Approval History, FDA website	None
2434	Bell BMS Report		Platinol, Label and Approval History, FDA website	None
2435	Bell BMS Report	02/19/2001	"Where Companies Rank in Their Industries; How executives, directors, and securities analysts rate 535 companies in 61 industries," CNNMoney.com	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2436	Bell BMS Report		Rubex, Label and Approval History, FDA website	None
2437	Bell BMS Report		Vepesid, Therapeutic Equivalents, FDA website	None
2438	Bell BMS Report		Etopophos, RX package insert	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2439	Bell BMS Report	11/26/1997	"FDA to Review Immunex Application for Paclitaxel," PR Newswire	802 Hearsay

Ex. No.	Prod. No./Source	Date	Description	Objections
2440	Bell BMS Report		BMS First Databank AWP's	Plaintiffs' reserve objection pending the outcome, if any, of a Daubert challenge to the data and methodology underpinning the exhibit
2441	Bell BMS Report	03/15/2000	"Faulding Receives FDA Approval for Bleomycin Sulfate for Injection," Business Wire	802 Hearsay
2442	Bell BMS Report	06/20/1991	Philip Hiltz, "U.S. Agrees to Supply Trees for Cancer Drug," New York Times	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2443	Bell BMS Report	01/27/1998	"Immunex files for generic Taxol," Chemical Business Newsbase	802 Hearsay
2444	Bell BMS Report	12/22/1993	"Immunex Regains Rights to Pixykin; Cynamid to Develop Product for Overseas Markets," PR Newswire	802 Hearsay
2445	Bell BMS Report	01/30/1992	"Immunex, Bristol-Myers sign marketing pact," United Press Int'l	802 Hearsay
2446	Bell BMS Report	01/16/2001	"IVAX Comments On Fourth Quarter ONXOL Sales and Recent Stock Repurchases," Business Wire	402 Irrelevant 802 Hearsay
2447	Bell BMS Report	08/14/2001	"IVAX Corp. still sees growth prospects for brand equivalent paclitaxel product" AFX.com	402 Irrelevant 802 Hearsay
2448	Bell BMS Report	09/1999	"IVAX Gets Final Approval for European Marketing of Paxene," Worldwide Biotech	402 Irrelevant 802 Hearsay
2449	Bell BMS Report	02/04/2002	"IVAX paclitaxel gets ok to stay on US market," Pharma	402 Irrelevant 802 Hearsay

Ex. No.	Prod. No./Source	Date	Description	Objections
			Marketletter	
2450	Bell BMS Report	01/21/2002	Carey Krause, "Ivax wins round in Pacitaxel patent battle," Chemical Market Reporter, No. 3, Vol. 261	802 Hearsay
2451	Bell BMS Report	02/6-7/2004	James Love, "Appendix 1: Some notes on the government role in R&D for new medicines, Neglected Diseases Group Meeting"	104; CR 26(a)(3) Not previously produced 901 Authenticity concern; no foundation 802 Hearsay
2452	Bell BMS Report	09/15/2003	Susan Morrissey, "Maximizing Returns," CENEAR, Vol. 81, No. 37	402 Irrelevant 802 Hearsay
2453	Bell BMS Report	2004	Sally Gray, "New Business Strategy," MedAdNews, PharmaLive	402 Irrelevant 802 Hearsay
2454	Bell BMS Report		Etoposide IV monograph, Medscape	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2455	Bell BMS Report		Doxorubicin IV monograph, Medscape	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2456	Bell BMS Report		Blenoxane Inj, Monograph-Bleomycin Sulfate Medscape	402 Irrelevant 403 Waste of time and needless presentation of cumulative

Ex. No.	Prod. No./Source	Date	Description	Objections
				evidence 802 Hearsay
2457	Bell BMS Report		Carboplatin IV monograph, Medscape	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2458	Bell BMS Report		Cytosan IV, monograph-Cyclophosphamide Medscape	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2459	Bell BMS Report		Taxol IV, Monograph-Paclitaxol, Medscape	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2460	Bell BMS Report	12/30/2002	Mike Miller, "Taxanes and Platinum Drugs in Cancer Treatment," National Cancer Institute	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2461	Bell BMS Report	08/15/2001	Dunnett & Lehmann, Oncology Therapeutics Network Honored by CIO-100 Awards, OTN online News Archive	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence

Ex. No.	Prod. No./Source	Date	Description	Objections
2462	Bell BMS Report	2005	OTN Brand Drugs, from OTN website	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2463	Bell BMS Report	2005	OTN Company Profile, from OTN website	None
2464	Bell BMS Report	05/13/2005	OTN Becomes Independent as One Equity Partners Completes Purchase from BMS, OTN online News Archive	None
2465	Bell BMS Report	2005	Products and Services, the Lynx System, from OTN website	None
2466	Bell BMS Report	06/10/1996	"Ovarian Cancer (Therapy): Topotecan Anti-Cancer Drug Approved by FDA," Cancer Weekly	402 Irrelevant 802 Hearsay
2467	Bell BMS Report		Cytosan, PDRhealth	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2468	Bell BMS Report		BMSO Paraplatin, production description	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2469	Bell BMS Report		Paclitaxel, from Wikipedia	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay

Ex. No.	Prod. No./Source	Date	Description	Objections
2470	Bell BMS Report		Paclitaxel for Injection, Biolyse Pharma Corp.	901 Authenticity concern; no foundation 402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2471	Bell BMS Report	01/2004	Paraplatin package insert	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2472	Bell BMS Report	06/2001	FDA Oncology Tools Product Label Details in Conventional Order for carboplatin	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2473	Bell BMS Report		Center for Drug Evaluation and Research, Approved Labeling, Paraplatin	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2474	Bell BMS Report	2006	PriceProbe, First Data Bank	104; CR 26(a)(3) Not previously produced
2475	Bell BMS Report	2005	Products and Services, from OTN website	None
2476	Bell BMS		Company Overview, AccessMed	802 Hearsay

Ex. No.	Prod. No./Source	Date	Description	Objections
	Report			
2477	Bell BMS Report	1993-2005	Red book listings, B	None
2478	Bell BMS Report	1993-2005	Red book listings, C	None
2479	Bell BMS Report	1997-2005	Red book listings, E	None
2480	Bell BMS Report	03/29/2006	Products and Services, AccessMed	None
2481	Bell BMS Report	1993-1997	Red Book listings, P	None
2482	Bell BMS Report	1993-2002	Red Book listings, R	None
2483	Bell BMS Report	1993-2005	Red Book listings, T	None
2484	Bell BMS Report	1993-2004	Red Book listings, V	None
2485	Bell BMS Report	2006	Cancer Care Resources, Drug Reimbursement Hotlines 2006, Assoc. of Comm. Cancer Centers	802 Hearsay
2486	Bell BMS Report	1999	Rozek & Berkowitz, "The Costs to the U.S. Health Care System of Extending Marketing Exclusivity for Taxol"	402 Irrelevant 802 Hearsay
2487	Bell BMS Report		Pharmaceutical Therapeutic Categories Outlook, SG Cowen	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2488	Bell BMS Report	04/13/2000	"Roxane Laboratories, Inc. Introduces First Generic Cyclophosphamide Tablets," PR Newswire	802 Hearsay
2489	Bell BMS Report	03/2001	Rubex package insert	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence

Ex. No.	Prod. No./Source	Date	Description	Objections
2490	Bell BMS Report	03/29/2006	The Story of Taxol	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2491	Bell BMS Report		About Taxote, taxtote.com	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2492	Bell BMS Report	05/06/2003	"Sicor acquires several oncology products," PR Newswire Europe	802 Hearsay
2493	Bell BMS Report		Mead Johnson Oncology, Taxol product description	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2494	Bell BMS Report		1998 year search in the National Medal of Technology laureates, The Spirit of American Innovation	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2495	Bell BMS Report		FDA Oncology Tools Approval Summary for Paclitaxel (for treatment of breast cancer)	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence

Ex. No.	Prod. No./Source	Date	Description	Objections
2496	Bell BMS Report		FDA Oncology Tools Approval Summary for Paclitaxel (for AIDS related Kaposi's sarcoma)	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2497	Bell BMS Report		FDA Oncology Tools Approval Summary for Paclitaxel (for metastatic carcinoma of the ovary)	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2498	Bell BMS Report		FDA Oncology Tools Approval Summary for Paclitaxel (ovarian second line therapy)	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2499	Bell BMS Report		Mead Johnson Oncology Products Taxol Injection product information	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2500	Bell BMS Report	02/10/2000	Mead Johnson Oncology Products Taxol Injection product information	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2501	Bell BMS Report	03/00/2003	Taxol Injection package insert	402 Irrelevant 403 Waste of time and needless

Ex. No.	Prod. No./Source	Date	Description	Objections
				presentation of cumulative evidence
2502	Bell BMS Report		Mead Johnson Oncology Products Taxol Injection product information	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2503	Bell BMS Report	06/03/2002	"Taxol v. Taxotere finds tox Advantage; Comparison of Drugs from Bristol-Myers Squibb Co. and Aventis S.A.", Marketletter	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2504	Bell BMS Report	11/07/2001	"Taxol: Court Reverses FDA Approval of Generic Version", American Health Line	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2505	Bell BMS Report		Dan McDonley, "Taxus sp. and the Ethnobotanical and Chemical Origins of Taxol"	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2506	Bell BMS Report	06/06/2003	GAO Report No. GAO-03-829, "Technology Transfer: NIH-Private Sector Partnership in the Development of Taxol"	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence

Ex. No.	Prod. No./Source	Date	Description	Objections
				802 Hearsay
2507	Bell BMS Report	08/23/2001	Susannah Markandya & James Love, "Timeline of Paclitaxel Disputes"	901 Authenticity concern; no foundation 106 Incomplete document (web links not printed) 402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2508	Bell BMS Report	10/05/2001	"Transportation Delays Make Ivax Stock Woozy", South Florida Business Journal	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2509	Bell BMS Report	11/08/2000	Disease Dynamics: The Cancer Market, UBS Warburg Industry Outlook	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2510	Bell BMS Report	11/00/2004	VePesid Package Insert	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2511	Bell BMS Report	09/00/1998	VePesid Package Insert	402 Irrelevant 403 Waste of time and

Ex. No.	Prod. No./Source	Date	Description	Objections
				needless presentation of cumulative evidence
2512	Bell BMS Report		FDA Oncology Tools Approval Summary for Etoposide, VP-16 (for small cell lung cancer)	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2513	Bell BMS Report		FDA Oncology Tools Approval Summary for Etoposide, VP-16 (for testicular tumors)	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence
2514	Bell BMS Report	02/16/2006	A-Z Health Guides from WedMD: Drugs – Bleomycin Injection	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2515	Bell BMS Report	06/17/2005	“Healthcare Costs; Growth in Spending on Cancer Therapies Nearly Doubles After New Oral Oncologics,” Drug Week	402 Irrelevant 403 Waste of time and needless presentation of cumulative evidence 802 Hearsay
2516	Bell BMS Report	08/16/1999	Presentation entitled “Paraplatin Deconversion Discussion Outline”	None

Ex. No.	Prod. No./Source	Date	Description	Objections
2517	Bell BMS Report	05/18/2000	Presentation entitled "Taxol and Generic Competition Draft Discussion Document"	104; CR 26(a)(3) Not previously produced 802 Hearsay
2518	Bell BMS Report	04/13/2000	Presentation entitled "Taxol and Generic Competition Preliminary Research Findings on Price Competition"	104; CR 26(a)(3) Not previously produced 802 Hearsay
2519	Bell BMS Report	01/19/2000	Presentation entitled "Taxol Preservation Discussion Outline Project Kickoff"	104; CR 26(a)(3) Not previously produced 802 Hearsay
2520	Bell BMS Report	09/29/1999	Presentation entitled "Paraplatin Deconversion Discussion Outline"	104; CR 26(a)(3) Not previously produced 802 Hearsay
2521	Bell BMS Report	10/13/1999	Presentation entitled "Paraplatin Deconversion Findings and Recommendations"	104; CR 26(a)(3) Not previously produced 802 Hearsay
2522	Bell BMS Report		Supplemental Exhibit C: BMS and OTN Sales Data: Revenues, Prices, and Price Dispersion	Plaintiffs' reserve objection pending the outcome, if any, of a Daubert challenge to the data and methodology underpinning the exhibit
2523	Bell BMS Report		Exhibit D: Summary of BMS/OTN Revenue by Product (\$): Excluding Sales to Federal	Plaintiffs' reserve objection

Ex. No.	Prod. No./Source	Date	Description	Objections
			Entities	pending the outcome, if any, of a Daubert challenge to the data and methodology underpinning the exhibit
2524	Bell BMS Report		Exhibit E: BMS/OTN Price Dispersion: Excluding Sales to Federal Entities	Plaintiffs' reserve objection pending the outcome, if any, of a Daubert challenge to the data and methodology underpinning the exhibit
2525	FDB-AWP 00532-37	09/12/1997	Memo to Cathy Gutgesell from Barbara Goetz re: Price Adjustment Notification	None
2526	BMS/AWP/00 0127505-52	05/18/2000	Taxol And Generic Competition Draft Discussion Document	Objection; duplicates Ex. 2517
2527	BMS/AWP/00 0166375-76		US Oncology (USON) Pharmaceutical Purchasing Agreement Highlights	None
2528	BMS/AWP/00 619729-30		BMS Minnesota Multistate Contract Offer Outline	106 incomplete document and no date; reserve additional objections pending receipt and review of complete document.
2529	BMS/AWP/00 0252532-41	10/19/2000	E-mail from Sandy McMahon, with attachments re: Communication Program Bullet Points and Customer Call Flow	None
2530	BMS/AWP/00 288985		BMS Innovatix Contract Offer Outline	None

Ex. No.	Prod. No./Source	Date	Description	Objections
2531	BMS/AWP/00 289399-00		BMS Cardinal Health Provider Pharmacy Services (CHPPS) Contract Offer Outline	106 incomplete document; reserve additional objections pending receipt and review of complete document.
2532	BMS/AWP/00 311919-27	05/20/2002	E-mail from Martin Bick to Jayson Housson re: IDO deals, attaching draft Taxol/Ifex/Tequin contracts	None
2533	BMS/AWP/00 317864-70		Taxol Program Review and Forecast for 2002	None
2534	BMS/AWP/00 320140-81		Customer Marketing Business Plan 2003	None
2535	BMS/AWP/00 353981-84	04/23/2002	E-mail from Martin Bick, attaching updated BMS Oncology offer	106 incomplete document; reserve additional objections pending receipt and review of complete document.
2536	BMS/AWP/00 429062	12/20/1999	Document entitled, BMS Position on Pricing of Medicines	402 Irrelevant 901 No Foundation 802 Hearsay
2537	BMS/AWP/00 482440-41		Document entitled, Taxol Q4 2002 & Q1 2003 State Society GPO Incentive Program	None
2538	BMS/AWP/00 482447-86	03/10/2003	Taxol Opportunity Program presentation	None
2539	BMS/AWP/00 500615-16		BMS Minnesota Multistate Contract Offer Outline	106 incomplete document and no date; Plaintiffs reserve additional objections pending receipt and review of

Ex. No.	Prod. No./Source	Date	Description	Objections
				complete document.
2540	BMS/AWP/00 766434-99		BMS Pharmaceutical Group Purchase Agreement between BMS and Duke Health System	106 incomplete document; missing pages 452-75; Plaintiffs reserve additional objections pending receipt and review of complete document.
2541	BMS/AWP/00 991871-73	06/11/2003	E-mail from Timothy Wert to Dennis Buckley attaching OTN Paraplatin Fliers	None
2542	BMS/AWP/01 248310-11		BMS PACT Contract Offer Outline	106 incomplete document and no date; Plaintiffs reserve additional objections pending receipt and review of complete document.
2543	BMS/AWP/01 314172-94	09/9/1997	AVAPRO Pricing Recommendation presentation	None
2544	BMSAWP/00 07368-71		Agreement between Valley Hospital and BMS	106 incomplete document and no date; Plaintiffs reserve additional objections pending receipt and review of complete document..
2545	BMS/AWP/00 0100778		Document entitled "Average Wholesale Price (AWP)"	901 authenticity concerns; no foundation

Ex. No.	Prod. No./Source	Date	Description	Objections
2546	BMSAWP/00 11214-35	09/06/1995	Etopophos Launch Plan	None
2547	BMSAWP/00 11799-804		OTN 1996 Premier Members Program documents	106 incomplete document; Plaintiffs reserve additional objections pending receipt and review of complete document. 901 re: handwriting; no foundation
2548	BMSAWP/00 44178-99		BMS Bid Pricing Manual	None
2549	BMS/AWP/00 429979-82		Agreement between Columbia/HCA Healthcare Corp., Owen Healthcare, Inc. and BMS	106 incomplete document (no signatures); Plaintiffs reserve additional objections pending receipt and review of complete document
2550	FDB-AWP- 18637-39	04/01/2002	E-mail from Norma Ledezma on behalf of Kay Morgan to Marilynne Isaacs, forwarding 4/1/02 Price Increase Notification	None
2551	Bell BMS Report	04/28/2006	Supplemental Declaration of Gregory K. Bell, Ph.D	802 Hearsay
2552	BMS/AWP/00 11247-48	08/1992	Correspondence from D. Kaszuba to Publications	None
2553	BMS/AWP/00 11246	08/18/1992	Internal Medispan memorandum re: Bristol Oncology Survey	None
2554	10/25/04 Szabo Affidavit Ex. 1	7/10/1996	Email from D. Kaszuba to T. Wert and G. Kegler regarding AWP's published by First Databank, Redbook and Medispan	None
2555	CMS Public	7/26/1996	Letter from John F. Akscin to	104, CR

Ex. No.	Prod. No./Source	Date	Description	Objections
	Records		Gail Wilensky, Administrator, Health Care Financing Administration	26(a)(3) Not previously produced 802 Hearsay
2556	BMS/AWP/00 0095588-610	01/01/1997	OTN Newsletter – “The Network News”	None
2557		09/01/1998	Specialty Wholesaler Marketing Services Agreement	104; CR 26(a)(3) Not previously produced 901 Authenticity concerns; no foundation 402 Irrelevant
2558		01/24/1999	Sales Agency and Consignment Agreement	104; CR 26(a)(3) Not previously produced 901 Authenticity concerns; no foundation 402 Irrelevant
2559	BMS/AWP/01 411455	04/01/1999	Soule call note regarding D. Dong	None
2560	BMS/AWP/01 411454	04/01/1999	Soule call note regarding D. Dong	None
2561	BMS/AWP/01 411461	04/21/1999	Soule call note regarding B. Bolonesi	None
2562	BMS/AWP/01 411464	05/03/1999	Soule call note regarding R. Marquardt	None
2563	BMS/AWP/01 411468	06/10/1999	Soule call note regarding N. Lee	None
2564	BMS/AWP/01 411473	06/14/1999	Soule call note regarding F. Senecal	None
2565	BMS/AWP/01 426860	07/16/1999	Soule call note regarding M. Francisco	None

Ex. No.	Prod. No./Source	Date	Description	Objections
2566	BMS/AWP/00 1504076-84	09/08/1999	BMS Memorandum from Miami Team to Suzanne Greenwood regarding Drug Replacement Update and Memorandum from V. Khanna and B. Garofalo to Florida Drug Replacement Team	402 Irrelevant
2567	BMS/AWP/01 426864	12/02/1999	Soule call note regarding M. Francisco	None
2568	BMS/AWP/00 1509899-917	02/06/2000	Presentation entitled, "The Business of Office Based Oncology"	None
2569	BMS/AWP/00 1506747-48	06/08/2000	Correspondence from J. Akscin related to Oaklane Cancer & Hematology P.C.	None
2570	BMS/AWP/00 1506760	06/12/2000	E-mail from Amy Chan to J. Akscin	None
2571	BMS/AWP/00 1506759; BMS/AWP/00 1506761-62	06/14/2000	Correspondence from J. Akscin related to J. Kiraly, III M.D.	None
2572	BMS/AWP/00 1506766-68	06/15/2000	Correspondence from J. Akscin related to Oaklane Cancer & Hematology P.C.	None
2573	BMS/AWP/00 1506751	6/15/2000	Notes related to Integrated Health Care Providers, Inc.	None
2574	BMS/AWP/01 418518	06/26/2000	Soule call note regarding R. McCroskey	None
2575	BMS/AWP/00 0096632-43	07/11/2000	Presentation entitled, "Reimbursement in Office Based Oncology"	None
2576	BMS/AWP/01 418616	08/02/2000	Soule call note regarding W. B. Ethridge	None
2577	BMS/AWP/01 418620	08/29/2000	Soule call note regarding N. Lee	None
2578	BMS/AWP/01 418636	09/14/2000	Soule call note regarding R. Goldberg	None
2579	BMS/AWP/01 418640	09/28/2000	Soule call note regarding M. Kang	None
2580	BMS/AWP/01 419514	10/13/2000	Soule call note regarding G. Newman	None
2581		2001	OTN Sourcebook 2001	410 Irrelevant 403 Waste of time

Ex. No.	Prod. No./Source	Date	Description	Objections
2582	BMS/AWP/00 1491764-69	07/15/2001	E-mail from Douglas Soule regarding weekly report and center of excellence update, attaching Significant Event Report for the week ending 7/13/01	None
2583	BMS/AWP/01 423279	07/30/2001	Soule call note regarding J. Pelton	None
2584	BMS/AWP/00 1492357	08/15/2001	Standby Statement re: Pricing Terms Initiative	106 incomplete document 802 Hearsay
2585	BMS/AWP/00 1510378-412	01/2002	Presentation entitled, "The Business of Office Based Oncology"	802 Contains hearsay
2586	BMS/AWP/01 049934-41	01/17/2002	E-mail from D. Kaszuba to Julie Martino re: Price Chek	None
2587	BMS/AWP/00 442087-97	04/2002	Presentation entitled, Understanding AWP	None
2588	BMS/AWP/01 109780-84	04/22/2002	E-mail from Greg Fersko to L. Leas, D. Ihling, J. Martino attaching AWP Presentation	None
2589	BMS/AWP/01 088203-11	04/30/2002	E-mail from Leighanne Leas to Ronald Miller & Thomas McKenna regarding Pricing Source Overview with attached slides	None
2590	BMS/AWP/00 1506795-868	10/18/2002	Presentation entitled, "Regulatory & Reimbursement Update"	802 Hearsay
2591	BMS/AWP/00 0056952-69	11/01/2002	Presentation entitled, "Pricing & Institutional Operations Overview"	None
2592	BMS/AWP/00 1491561-63	11/10/2002	E-mail from Douglas Soule, attaching memorandum regarding weekly significant event report for week ending 11/8/02	None
2593		12/02/2002	Oncology Therapeutics Network Customer Invoice (Orange Coast Oncology Hematology Associates)	402 Irrelevant
2594	BMS/AWP/00 0966252-56	01/14/2003	E-mail from Sandy McMahon re: Program Implementation Committee, attaching notes	None
2595	BMS/AWP/00 059757-61	02/03/2003	E-mail from D. Kaszuba to Irene Paulin regarding Pricing	None

Ex. No.	Prod. No./Source	Date	Description	Objections
			Operations' Responsibilities	
2596	BMS/AWP/00 0093521-619	03/2003	Negotiation & Contracting Training Manual	None
2597	BMS/AWP/01 190614-91	03/10/2003	E-mail from Christof Marre regarding DBM Negotiation Training, attaching presentation	None
2598	BMS/AWP/00 0233146-47	04/10/2003	E-mail from M. Pollock to C. Marre regarding Potential impact of Taxol for Oncology Supply	None
2599	BMS/AWP/01 489041-42	04/15/2003	Customer Call Notes	None
2600		10/06/2003	Addendum to Oncology Distributor Agreement	402 Irrelevant
2601		01/19/2004	BMS's Response to Interrogatory No. 5	None
2602		02/18/2004	Affidavit of D. Kaszuba	None
2603	BMS/AWP/01 402137	04/03/2004	Soule call note regarding E. Madarang	None
2604		06/17/2004	Plaintiffs' Objections and Responses to BMS'S Contention Interrogatories to Plaintiffs	None
2605	BMS/AWP/00 1487916-17	04/12/2005	Document entitled, "Roles and Responsibilities"	None
2606	BMS/AWP/00 1483047-61	04/13/2005	RBDM Education/Training Checklist	None
2607	BMS/AWP/00 0956887, BMS/AWP/00 0083788-839	08/11/2005	E-mail from Akscin to Sales regarding John A's PPT from National Sales Mtg, attaching presentation entitled, "Law & Order: OBO "5.5 Ways to Add Value to Your Customer Interaction"	None
2608		03/22/2006	Merits Report and Declaration of Fiona Scott Morton, PH.D.	802 Hearsay Plaintiffs' reserve additional objection pending the outcome, if any, of a Daubert challenge to the data and methodology

Ex. No.	Prod. No./Source	Date	Description	Objections
				underpinning this report as well as to the contents thereof
2609	BMS/AWP/00 1511818-45		Presentation entitled, "This is OTN"	None
2610	BMS/AWP/00 337310-15		Document entitled, "Policy and Procedures"	None
2611	BMS/AWP/00 0186646-49		Document re: Price Increase/Decrease Notification Process	None
2612	BMS/AWP/00 0071256-72		Presentation entitled, "Taxol Generic Strategy Learnings from the US"	None
2613	BMS/AWP/00 478735-74		The Livin' Beat, Customer Marketing presentation	None
2614	BMS/AWP/00 1511287-98		OTN presentation entitled, "Price Segments"	None
2615	BMS/AWP/00 1491401-13		Seattle South 2003 Business Plan	402 Irrelevant
2616	BMS/AWP/01 327211		AWP (Ain't What's Paid)	None
2617	BMS/AWP/00 361594-600		Document re: Taxol Program Review and Forecast for 2002	None
2618	BMS/AWP/01 489213-16	Various	Customer Call Notes	402 Irrelevant
2619	BMS/AWP/01 488499-506	Various	Customer Call Notes	402 Irrelevant
2620	BMS/AWP/01 489314-18	Various	Customer Call Notes	402 Irrelevant
2621	BMS/AWP/01 490145-52	Various	Customer Call Notes	402 Irrelevant
2622	BMS/AWP/01 490157-62	Various	Customer Call Notes	402 Irrelevant
2623			"Screen Shots" from Price Master File	902 Authenticity concerns 104; CR 26(a)(3) Not previously produced
2624			"Screen Shots" from Primary Vendor Database	104; CR 26(a)(3) Not

Ex. No.	Prod. No./Source	Date	Description	Objections
				previously produced
2625			Data Fields associated with SHARP Database	104; CR 26(a)(3) Not previously produced
2626			BMS List Prices for MDL Subject Drugs (By NDC)	902 Authenticity concerns 104; CR 26(a)(3) Not previously produced
2627	FDB-AWP-18629-30	06/03/2002	E-mail from Mimi Leake to Kay Morgan and Carol Flanagan re: Price Increase Notification	None
2628	Bell BMS Report		Paraplatin vs. Cisplatin and Platinol Market Share Data Through OTN	901 Authenticity concerns; no foundation 104; CR 26(a)(3) Not previously produced If created by expert, Plaintiffs reserve further objection pending the outcome, if any, of a Daubert challenge to the data and methodology underpinning the exhibit
2629	BMS/AWP/00 0217912-17	02/25/2003	E-mail from Michelle Hand, attaching price check for Kirklin Clinic and Florida Infusion flyer	None

Ex. No.	Prod. No./Source	Date	Description	Objections
2630	BMS/AWP/000092044-45	06/16/1998	Letter from B. Goetz to publications re: pricing information	None
2631			Comparison of Hartman's ASPs and Spreads with Ven-A-Care's Best Price and Spreads for BMS Subject Drugs for 1995	Plaintiffs reserve objection pending the receipt of information regarding how this summary was created
2632-2749			INTENTIONALLY OMITTED	

DATED: October 24, 2006.

Respectfully submitted,

By /s/ Steve W. Berman
Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
Hagens Berman Sobol Shapiro LLP
One Main Street, 4th Floor
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003

LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Elizabeth Fegan
Hagens Berman Sobol Shapiro LLP
60 W. Randolph Street, Suite 200
Chicago, IL 60601
Telephone: (312) 762-9235
Facsimile: (312) 762-9286

Eugene A. Spector
Jeffrey Kodroff
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Kenneth A. Wexler
Jennifer Fountain Connolly
The Wexler Firm LLP
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Marc H. Edelson
Allan Hoffman
Edelson & Associates LLC
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Donald E. Haviland, Jr.
The Haviland Law Firm
740 S. Third Street, 3rd Floor
Philadelphia, PA 19147

Facsimile: (215) 392-4400
Telephone: (215) 609-4661

**CO-LEAD COUNSEL FOR
PLAINTIFFS**

CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on October 24, 2006, I caused copies of **PLAINTIFFS' OBJECTIONS TO DEFENDANTS BRISTOL-MYERS SQUIBB CO. AND ONCOLOGY THERAPEUTICS NETWORK CORP.'S AMENDED PRETRIAL DISCLOSURES** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman